

FILED 8 FEB '21 11:29 USDC-ORP

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland DIVISION

Jacob Yancey
 (Enter full name of plaintiff)

Plaintiff,

v.

Civil Case No. 3:21-cv-00217-AA
 (to be assigned by Clerk's Office)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (PRISONER COMPLAINT)

Multnomah County Inmates
Inmate / Multnomah County
Sheriff's Office
 (Enter full name of ALL defendant(s))

Defendant(s).

Jury Trial Demanded

☒ Yes☐ No

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: Jacob YanceyStreet Address: 11540 NE Inness Dr.City, State & Zip Code: Portland Oregon 97220

Telephone No.: _____

Defendant No. 1

Name: Multnomah County Inverness Jail
 Street Address: 11540 NE Inverness Dr.
 City, State & Zip Code: portland OR 97220
 Telephone No.: _____

Defendant No. 2

Name: Multnomah County Sheriff's Office
 Street Address: 11540 NE Inverness Dr.
 City, State & Zip Code: portland OR 97220
 Telephone No.: _____

Defendant No. 3

Name: Multnomah County Corrections Dept
 Street Address: 11540 NE Inverness Dr.
 City, State & Zip Code: portland OR 97220
 Telephone No.: _____

Defendant No. 4

Name: _____
 Street Address: _____
 City, State & Zip Code: _____
 Telephone No.: _____

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

5th Amendment right to protect life, liberty, property
 8th Amendment cruel unusual punishment / unnecessary rigor
 7th Amendment excessive bail or fines imposed beyond my means

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

my bail is \$255,000 I am homeless and have no one to
 pay my bail with is a 7th Amendment violation excessive
 bail imposed 8th cruel unnecessary rigor conditions
 facility moved me to dorm 10 tested positive for COVID in dorm
 12 moved there facility to another dorm with virus
 5th Amendment violation right to protect life, liberty, property
 if someone protected themselves with a weapon
 because of a perceived threat and threatening statements
 tried to self defend myself

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

The Sheriff's office took a legal oath to protect us
 and keep us safe conditions in entire facility

gatorade and 500mg tylenol 3x day 600 Mg-Ibuprofen
 3x day is the Medical Record for COVID victims
 in custody of Mecklenburg County Sheriff's Office
 Medical Treatment and Guards transporting inmates
 with COVID from Doorn to Doorn Spreading virus
 facility failed to protect us adequately from
 COVID I have copy of grievance regarding 15 Jan

Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

(If you have additional claims, describe them on another piece of paper, using the same outline.)

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

☒ Yes

☐ No

V. RELIEF

State *briefly* exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

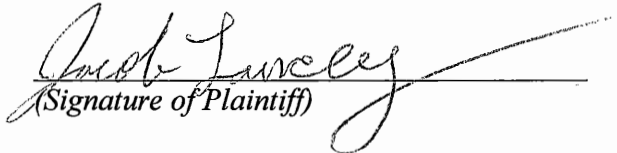
I would like to be monetary compensated for catching covid
in custody when guards supposed to keep me safe

Monetary compensation: to be Determined!

I would also like the courts to consider immediate
release from custody because of 5,876,912
US constitutional Rights broke to fight case from
streets I had a place to go in hillsboro a friends
apartment on the max line

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 3rd day of February, 2021.


(Signature of Plaintiff)

1 immediate judicial action, plaintiff's illegal confinement will continue, they will continue
2 to suffer from defendant's illegal conditions of confinement, and they will be irreparably
3 harmed by these actions of the defendant and its agents.

4
5 6.

6 A writ of habeas corpus should be granted because there is a need for immediate
7 judicial scrutiny and there are no other plain, adequate, or speedy remedies available for
8 plaintiff to seek review of the challenged actions of the defendant.

9
10 7.

11 Plaintiff is incarcerated in a facility that does not follow this state's required
12 precautions to prevent the spread of the disease Covid-19, by placing plaintiff and all other
13 prisoners within the facility in imminent danger of acute illness, deprivation of essential
14 medical care, and death. Contrary to the federal and state guidance regarding Covid-19,
15 the facility does not keep prisoners adequately separated from each other or potentially
16 infected facility staff, supply adequate soap and/or sanitizer, or provide adequate access to
17 sinks, masks, or other Personal Protection Equipment ("PPE") to prevent contraction of
18 Covid-19. The facility does not adequately quarantine prisoners from staff or prisoners in
19 transport to or from the facility. The facility does not adequately screen staff for
20 coronavirus contacts or symptoms. Upon information and belief, the facility lacks
21 adequate health care services and capacity to preserve the lives of plaintiff and other
22 prisoners suffering from acute, life threatening Covid-19 infections, where infection of
23 prisoners and facility staff and will likely become widespread as Oregon fails to require
24
25

1 social distancing, PPEs, increased testing, and/or other precautions in prisons and jails
 2 known to slow the spread of Covid-19.

3
 4 8.

5 Plaintiff has underlying health condition(s) that make them at-risk for severe
 6 complications or death should they contract Covid-19, the disease that arises from
 7 coronavirus. Specifically, plaintiff has the following underlying health conditions,
 8 determined by consensus in the medical community to make them at-risk for severe
 9 complications or death:

10 I am already have covid as of 3 days ago

11 I have a diminished mental capacity already due to covid

12 I believe it has cause enough brain damage

13 and another strain has shown up in the county

14 I also have poor eye sight already covid makes my

15 eye sight virtually (None)

16
 17 9.

18
 19 Plaintiff has requested protection from defendant from contraction of coronavirus,
 20 and been denied in the following ways:

21 1) By continuing to incarcerate plaintiff within a closed and densely populated
 22 facility that threatens the life of plaintiff, other prisoners and ODOC staff;

23 2) By sustaining:

24 a.) Unavoidably and dangerously close proximity of plaintiff to other prisoners
 25 and DOC staff who might be infected;

1 b.) Exposure to DOC staff who enter and leave the facility, a significant
2 number of whom may not be known to be infected or show symptoms of infection but will
3 nevertheless be capable of infecting plaintiff and other individuals;

4 c.) The impossibility of protecting plaintiff from infection within DOC
5 facilities that remain at their current and normal number of prisoners per cell and
6 aggregate number of prisoners at the facility;

8 d.) Inadequate health care at the facility to care for plaintiff and other
9 potentially acutely ill prisoners through the provision of intensive care and ventilator
10 treatment foreseeably needed to preserve plaintiff's life if infected within the facility;

11 OTHER (medical conditions and complaints not covered above):
12

13 *this facility has no vaccine or ventilators*
14 *COVID will kill eventually need glasses to do legal*
15 *work have massive headache due to strain on eyes Dallas*
16 *some glasses don't help much, but none for prescription*
17 *glasses are needed do not have glasses outside facility*
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10.

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2 In the span of just a few months, as of May 6, 2020, over 3,809,180 people globally
3 have been confirmed diagnosed with Covid-19 and over 266,432 have died. (*Johns Hopkins*
4 *University, Coronavirus Resource Center*, May 6, 2020.) In the United States, as of May 6,
5 2020, over 1,193,813 people have been diagnosed with Covid-19. At least 70,802 people have
6 died, most within at-risk groups: older adults, people with asthma, HIV, diabetes,
7 respiratory disease, and heart disease, and other co-morbidities. (*Center for Disease*
8 *Control*, May 6, 2020.) Covid-19 is extremely lethal with a high rate of lethality that
9 increases significantly among at-risk groups. (*Lancet, Infectious Diseases*, March 30,
10 2020.) The disease is up to 20 times more infectious than seasonal flu and spreads
11 exponentially, doubling within days. The disease is erupting or about to erupt in jails and
12 prisons in Oregon as result of failure to institute comprehensive Covid-19 precautions.
13 Prisoners are currently the only group of Oregonians unprotected by Governor Kate
14 Brown's Executive Order 20-12 that requires social distancing and other precautions for
15 groups, for no apparent reason other than their status as people who are incarcerated.

16
17
18
19 Members of the public concerned about the safety of prisoners in this environment
20 have requested ODOC take urgent protective measures to prevent wide-spread infection
21 of Covid-19 in this vulnerable population: those requests have not yet been implemented.
22 In this environment, plaintiff is at risk of immediate harm and death and requires
23 immediate judicial scrutiny of their claims. Plaintiff is incarcerated and wholly dependent
24 upon defendant for protection from Covid-19 and has no other available adequate or
25 timely remedy. Defendant's refusal to protect plaintiff from contracting Covid-19 amounts

1 to deliberate indifference to plaintiff's serious medical needs, in violation of the Eighth
 2 Amendment to the United States Constitution and Article I, Sections 13, 16 and 23 of the
 3 Oregon Constitution. Defendant's conduct amounts to a denial of due process and a
 4 denial of equal protection in violation of Plaintiff's constitutional rights per the Oregon
 5 and United States Constitutions, and Oregon's statutory and administrative rule rights.
 6

7 Plaintiff prays that a writ of habeas corpus be granted, directed to defendant,
 8 commanding them to file a return stating the legality of, and the time and cause of the
 9 imprisonment, incarceration, and restraint of plaintiff, or to have the body of plaintiff
 10 before the court at the time and place specified in the writ; to do what shall be considered
 11 by the court concerning plaintiff.
 12

13
 14
 15 DATED this 2nd day of February, 2020.
 16
 17
 18

19 Joseph L. Lacey

Signature of Plaintiff

20 SID#: 739030

Correctional Facility (Address):

21 1540 SNE Inverness Dr

22 M.C.I.S Multnomah County

23 97220
 24
 25

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CERTIFICATE OF DOCUMENT PREPARATION

Pursuant to UTCR 2.010(7)

I hereby certify that the following is true:

☒ I selected this document and it was prepared without paid assistance.

☐ I requested help from an inmate legal assistant to assist me in the preparation of this document at _____.

☐ I paid or will pay money to _____ for assistance in preparing the document(s)/forms.

DATED this 2nd day of February, 2020.

Jack Lancy

Signature of Plaintiff

SID#: 739630

Correctional Facility (Address):

11540 NE Independence Dr.

MCFJ Multnomah County

97220

CERTIFICATE OF SERVICE

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I, Tara Herivel, hereby certify that on this date I have made service of the attached MOTION, DECLARATION AND ORDER FOR MOTION FOR DISQUALIFICATION OF JUDGE, on the Respondent/Defendant by U.S. mailing a true copy thereof, in compliance with the "Mailbox Rule" for filing and mailing legal documents, certified by me as the Plaintiff, upon the following parties:

Trial Court Administrator
Multnomah County Courthouse
1200 SW First Ave
Portland OR 97204 - 3201

DATED this 3rd day of February, 2020.

Jack Lawrence

Signature of Plaintiff

SID# 139630

Correctional Institution:

MCIS11540 McInnesOR 97220Portland OR.

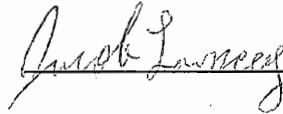
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CERTIFICATE OF READINESS

This proposed Order is Ready for judicial signature because:

- I provided this order by mail to the Trial Court Administrator with my pro se motion for habeas corpus and other documents.

DATED 5 May 2020.



Signature of Plaintiff

SID# 339030

Correctional Institution:

Multnomah

County Jail

San Jose

San Jose